

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

MORYNE LOUDEN

*

*

Criminal No.: JKB-14-0057

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MOTION TO SUPPRESS EVIDENCE

The defendant, Moryne Louden, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Premal Dharia, Assistant Federal Public Defender, respectfully moves for an Order of this Honorable Court suppressing any evidence and alleged statements obtained in connection with Mr. Louden's unlawful search and seizure on October 11, 2013, or in connection with any other search conducted by law enforcement in connection with this case. In support of this motion, counsel states the following:

1. Mr. Louden is charged in a one count indictment, alleging that he unlawfully possessed a firearm and ammunition in violation of 18 U.S.C. § 922(g).
2. Upon information and belief, the charges against Mr. Louden are based, at least in part, on evidence seized in the area of, or in connection with, Mr. Louden's unlawful search and seizure on October 11, 2013. Based on police reports provided thus far in discovery, officers approached Mr. Louden as he exited a vehicle in the 3200 block of West Baltimore Street. Officers then proceeded to conduct a search and seizure of Mr. Louden without any lawful authority to do so.
3. Because law enforcement officers did not have reasonable suspicion or probable cause to believe that Mr. Louden was, or had been, involved in criminal activity at the time of this unlawful search and seizure, any evidence or alleged statements that were obtained as a

result must be suppressed pursuant to the Fourth Amendment to the U.S. Constitution. *Terry v. Ohio*, 392 U.S. 1 (1968); *Wong Sun v. United States*, 371 U.S. 471 (1963).

4. Additionally, there was no actual consent – and certainly no voluntary consent – provided to law enforcement to conduct any such pat down or search. *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973), and thus any evidence or alleged statements obtained as a result of the unlawful search and seizure of Mr. Loudon must be suppressed.

WHEREFORE, Moryne Loudon respectfully moves this Honorable Court to suppress any evidence and alleged statements obtained in connection with the unlawful search and seizure described above.

Respectfully submitted,

JAMES WYDA
Federal Public Defender

/s/

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REQUEST FOR HEARING

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, the defendant requests a hearing on this motion.

/s/

Premal Dharia, #98380
Assistant Federal Public Defender